

MEETING OF THE BOARD OF CITY COMMISSIONERS

MARCH 28, 2017

The Board of City Commissioners met in regular session on March 28, 2017 at the hour of 5:15 p.m. in the Tom Baker Meeting Room, City/County Office Building, 221 North Fifth Street, Bismarck, North Dakota. There were present: Commissioners Askvig, Marquardt, Guy, and President Seminary. Commissioner Oban participated via Skype.

1. The Board of City Commissioners considered approval of the minutes of the meeting on March 14, 2017.

Commissioner Marquardt made a motion to approve the minutes. Commissioner Guy seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Askvig, Marquardt, Guy, Oban, and President Seminary. Nays: None, the motion carried.

2. CONSENT AGENDA

A. The Board of City Commissioners considered and approved voucher numbers 1071659 to 1071943.

B. The Board of City Commissioners reviewed the personnel actions.

C. The Board of City Commissioners considered the request for approval from the Airport for approval of Amendment 1 to the February 10, 2015 agreement with Kadrmass, Lee & Jackson (KLJ), for Wetland Mitigation (Phase 4).

On January 10, 2017, the Board approved Change Order 6 to the September 21, 2015 agreement with JMAC Resources, Inc., for On-Site Wetland Mitigation (Phase 4). That earlier change order temporarily suspended work on the Wetland Mitigation Phase 4 project for the winter and temporarily suspended time charges and liquidated damages. Time charges were suspended effective December 21, 2016 and will resume seven calendar days after load restrictions are lifted in the Bismarck area in the spring of 2017 or the date work resumes, whichever date is earlier. Liquidated damages will continue to be charged once work resumes.

JMAC estimates it will take an additional 30 days to complete the wetland work. Amendment 1 to the KLJ agreement adds 30 days to complete KLJ's construction observation and records based on JMAC's estimated time. Amendment 1 adds \$46,662.07 for this work. Staff expects the additional KLJ costs will be offset by liquidated damages charged to JMAC.

D. The Board of City Commissioners considered the request for approval from the Community Development Department for the following items:

- Approval of Amendment to CORE Grant Application to protect city investment.

The Renaissance Zone Authority, during their March 9, 2017 meeting, voted to include a clause in the application that alerts all recipients of a CORE Façade Incentive Grant that funds may have to be repaid if the funded improvements are removed or materially altered within five years.

The complete language included in the application for is as follows:

An Applicant for the CORE Façade Incentive Grant program agrees to retain any façade improvements partially or fully funded through this grant for a term of at least five years after the disbursement of funds. An owner of the property must notify the City of an intent to materially change said improvements during this five year term and may be required to repay all or part of the funds awarded, at the discretion of the City Commission. The applicant also agrees that if the property is sold during the five-year term, this restriction will follow the property for the remainder of the five-year term and the applicant will make this restriction a condition of the sale or, if not, pay back the CORE grant in full.

- Denial of the resolution to release the West 40 feet of the East 240 feet of the 330.29 foot non-access line along 55th Avenue SE adjacent to Lot 3, Block 1, Wolf Subdivision.

Wolf Subdivision was platted in 2006. Because driveways of the subdivision fronted major roads, the developer was required to use shared access driveways to limit the number of access points to the public roadways. The County Engineer and City Engineer continue to support the original intention of limiting access, and therefore, they oppose the request to release a non-access line and allow an additional driveway access point. A copy of the staff report was included in the materials for this agenda item.

Based on the findings contained in the staff report, staff recommends denial of the attached resolution to release a non-access line described as the West 40 feet of the East 240 feet of the 330.29 foot non-access line along 55th Avenue SE adjacent to Lot 3, Block 1, Wolf Subdivision.

- Approval of adjusted federal and local shares for 2017 FTA 3507 Operations Grant.

The City of Bismarck approved the 2017 FTA 3507 Operations Grant at their March 14, 2017 meeting. The amount of the federal award anticipated and received was \$1,576,146. This amount remains the same. However, the calculation the Metropolitan

Planning Organization (MPO) did of the local and federal shares was incorrect. The table below shows the previous amounts and the adjusted amounts.

	Approved Amount	Adjusted Amount
Federal Share	1,260,916	1,576,146
Local Share	315,230	1,197,871
Total	1,576,146	2,714,017

FTA, Bis-Man Transit and City staff were immediately made aware of the error. FTA was advised for corrective action. FTA recommended that approval be sought from the City of Bismarck for the adjusted numbers. However, FTA believed it unnecessary to repeat the public advertisement, thirty-day comment period and public hearing. They do allow the City of Bismarck to hold a public hearing, if the grantee wishes. Bis-Man Transit and City staff have been consulted about this issue. Bis-Man Transit is in a position to provide the additional local share and City staff is agreeable to the corrected situation. The Bismarck-Mandan MPO requests approval of adjusted shares for the 2017 FTA 3507 Operations Grant.

- Approval of bids for window installation at the Senior Center located at 315 N 20th Street to be partially paid with 2016 CDBG funds.

Bids were received and opened by the Burleigh County Council on Aging for a CDBG project. They recommended awarding the window replacement contract to the Window & Door Store for \$38,478, contingent upon approval by the City of Bismarck. The City previously allocated \$30,000 in 2016 CDBG funds for this project. Burleigh County Council on Aging will pay all additional costs. The following is a bid summary:

BIDDER	BID AMOUNT	NOTES
Window & Door Store	\$38,478.00	Bid met all specs
Yanish Custom Exteriors	\$25,564.00	Rejected
Western Products	\$25,579.15	Double pane
ABC Window	\$58,800.00	Rejected

Please note that the specifications called for complete replacement with triple pane windows. The Window & Door Store was the only contractor to submit a bid following the specs. Two contractors bid window inserts rather than window replacement and were rejected. The other contractor bid double pane window and not triple pane windows as required in the specs. Staff requests to approve the bids as forwarded and recommended by the Burleigh County Council on Aging.

E. The Board of City Commissioners considered the request for approval from the Engineering Department for the following items:

- Approval for the Bismarck-Mandan Home Builders Association to place directional signage in the public right of way for the annual spring Parade of Homes event on April 27-30, 2017.

This request is for the placement of directional signs in the public right-of-way by the Bismarck-Mandan Home Builders Association. Approval is recommended with the following conditions:

- 1) The signs shall only be placed behind the back of the curb on urban roadways and three-feet off the shoulder on rural roadways between April 21 and May 1, 2017.
 - 2) The signs should be located no closer than 100-feet (approximately two lots) from an intersection as measured from the pedestrian crossing or stop bar as you approach the intersection.
 - 3) The signs shall not be attached to trees, traffic control signs, traffic signal poles or street light poles.
 - 4) No ribbons, balloons, streamers, or lighting or ancillary devices may be attached to the signs.
 - 5) The Bismarck-Mandan Home Builders Association will be responsible for any cost incurred for installation, removal, or damages as a result of the placement of the signs.
- Approval to sell two (2) Engineering vehicles at the 2017 Police Auction.

The department would like to sell two high maintenance cost vehicles in the upcoming Police Auction in May. They are a 2005 Buick LeSabre and a 1994 Jeep Grand Cherokee. The department was approved funding for the purchase of one new vehicle for 2017, which is on order. The department is consolidating vehicles and sharing vehicles among staff.

- Approval of an Encroachment Agreement and Waiver for a sanitary sewer service line at 2001 Trade Street for Old Dominion Freight Lines, Inc.

Old Dominion Freight Lines is constructing a new trucking terminal at 2001 Trade Street in the Northern Plains Commerce Centre. In order to service the building with sanitary sewer, the contractor needs to route the private sanitary sewer in the west boulevard of Trade Street, as shown in Exhibit A of the agreement included in the materials for this agenda item in the packet. City staff recommends approval.

- Approval of an Encroachment Agreement and Waiver for retaining wall footing at First Western Bank located at 304 E Front Avenue.

The request is for an Encroachment Agreement and Waiver for retainer wall footing at First Western Bank located at 304 E Front Avenue.

The conditions are as follows:

- ❖ Initial 99-year term
- ❖ Restoration of public right-of-way upon vacation
- ❖ Maximum 1'8" retaining wall footing encroachment beneath sidewalk
- ❖ Hold harmless and indemnification of the City

City staff recommends approval.

- Approval of North Dakota Department of Transportation (NDDOT) Cost Participation and Maintenance Agreement for I-94 Rehabilitation Project (IM-NHU-1-094(179)156) HC17-113).

On Bismarck Expressway near Exit 161, the southbound left turn lane from Bismarck Expressway onto East Divide Avenue is experiencing failure in the concrete pavement. The City of Bismarck contacted the NDDOT to determine if concrete pavement repair for this area could be included in the NDDOT's 2017 Interstate 94 rehabilitation project. NDDOT's contractor has prepared a change order for this work.

The NDDOT is requesting the City of Bismarck enter into a Cost Participation and Maintenance (CPM) agreement for the project. This agreement assigns the respective responsibilities of the NDDOT and the City of Bismarck including the financial responsibility for each party. This agreement is specifically for the requested concrete pavement repair work and the City has no financial obligation for the Interstate component of the project.

The City will be responsible for 10% of the eligible federal aid items. The NDDOT anticipates the City's share of the total \$72,125.46 work item to be \$7,212.55. Jeff Heintz, Public Works Service Operations Director, has indicated the local share will be paid for out of the Roads and Streets budget. Staff recommends approval

- Approval of sewer assumption agreement with MDS Properties, LLC, Invesco Holdings, Inc. and Skyline Properties, LLC.

The existing private sewer system was installed as part of the development of Meadowlark Commercial 3rd Addition. Given the location of the private sanitary sewer line in relation to the public sewer system and the City's desire to provide service to other properties outside the Meadowlark Commercial properties, the City desires to assume ownership and responsibility for the sanitary sewer line and to incorporate it into its sanitary sewer system.

The City has inspected the sanitary sewer line and finds that it meets the City's minimum standards for such installations; the Developers wish to dedicate the existing sanitary sewer line to the City. All parties agree that an assessment district will be created (Sewer Improvement District 17-570) to make minor modification to the sanitary sewer system to address deficiencies such that it better reflects a public sanitary system. City staff requests approval of the sewer assumption agreement.

- The following relating to Sewer Improvement District 17-570 (constructing revisions to existing sanitary sewer main):
 - Resolution Creating District SE 17-570 and Ordering Preparation of the Preliminary Engineering Report.

- Resolution Approving the Preliminary Report and Directing Preparation of Plans and Specifications.

Commissioner Askvig introduced the following resolution and moved its adoption:

**RESOLUTION CREATING
SEWER IMPROVEMENT DISTRICT NUMBER FIVE HUNDRED SEVENTY (570)
AND ORDERING THE PREPARATION OF A PRELIMINARY REPORT**

BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, as follows:

1. Pursuant to the provisions of Chapter 40-22 of the North Dakota Century Code, Sewer Improvement District Five Hundred Seventy (570) is created for the purpose of making an improvement project, consisting of constructing revisions to an existing sanitary sewer main and related work, and to defray all or a portion of the costs thereof by the levy and collection of special assessments in said District.
2. It is the judgment of this Board of City Commissioners, after consultation with the engineer planning the improvement for the City that construction of the improvement project will specially benefit all of the properties within the district, the size and form of which is defined by reference to the plats of the City of Bismarck on file in the office of the County Recorder of Burleigh County, North Dakota, and the district shall include all lots, tracts and parcels of land lying within the following described boundary:

UNIT NO. 1

ALL OF SCHILLING FIRST SUBDIVISION; LOTS TWO (2), FOUR (4), FIVE (5), AND SIX (6) OF BLOCK ONE (1) MEADOWLARK COMMERCIAL FIFTH ADDITION REPLAT; LOT ONE (1), BLOCK ONE (1) OF MEADOWLARK COMMERCIAL THIRD ADDITION.

3. The engineer is directed to prepare a report as to the general nature, purpose and feasibility of the proposed improvement and an estimate of probable cost of the work.
4. The City Commission declares its official intent to reimburse itself for the costs of the improvement from the proceeds of tax exempt bonds, and the Finance Director is hereby authorized to execute an official declaration of intent on behalf of the City of Bismarck.

Commissioner Guy seconded the motion on the foregoing resolution. Upon roll call, the Commissioners voted as follows. Ayes: Commissioners Askvig, Marquardt, Guy, Oban, and President Seminary. Nays: None, the motion carried and said resolution was declared duly passed and adopted.

Commissioner Askvig introduced the following resolution and moved its adoption:

RESOLUTION APPROVING PRELIMINARY REPORT AND DIRECTING THE
PREPARATION OF PLANS AND SPECIFICATIONS FOR
SEWER IMPROVEMENT DISTRICT NUMBER FIVE HUNDRED SEVENTY (570)

BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, that this Board has received and considered the report of the engineer as to the general nature, purpose and feasibility of the proposed improvement in and for Sewer Improvement District Five Hundred Seventy (570), and an estimate of the probable cost of the work, and approved the report and directs it to be filed in the City Administration office and the City Engineer's office, and directs the engineer to prepare detailed plans and specifications for the construction of the improvement and to submit the same to this Board of City Commissioners.

Commissioner Guy seconded the motion on the foregoing resolution. Upon roll call the Commissioners voted as follows. Ayes: Commissioners Askvig, Marquardt, Guy, Oban, and President Seminary. Nays: None, the motion carried and said resolution was declared duly passed and adopted.

F. The Board of City Commissioners considered the request for approval from the Engineering Department for the following relating to Street Improvement District 17-513 - Phases A and B:

- Resolution Approving Plans and Specifications
- Resolution of Necessity
- Resolution Directing Advertisement of Bids and Receiving Bids

Commissioner Askvig introduced the following resolution and moved its adoption:

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR
STREET IMPROVEMENT DISTRICT NUMBER
FIVE HUNDRED THIRTEEN (513), PHASE A & B

BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, that the plans and specifications for the work proposed to be done in and for Street Improvement District Number Five Hundred Thirteen (513), Phase A & B, as prepared by the engineer and presented to the Board of City Commissioners on this date, are hereby approved and ordered to be placed on file in the office of the City Administration and in the office of the City Engineer, where they shall remain on file and subject to inspection by anyone interested therein.

Commissioner Guy seconded the motion on the foregoing resolution. Upon roll call, the Commissioners voted as follows. Ayes: Commissioners Askvig, Guy, Marquardt, Oban and President Seminary. Nays: None, the motion carried and said resolution was declared duly passed and adopted.

Commissioner Askvig introduced the following resolution and moved its adoption:

RESOLUTION OF NECESSITY

RESOLUTION DECLARING THE NECESSITY OF AN IMPROVEMENT IN STREET IMPROVEMENT DISTRICT NUMBER FIVE HUNDRED THIRTEEN (513), PHASE A & B

BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, as follows:

1. It is hereby found, determined and declared that it is necessary and expedient for the City of Bismarck to construct an improvement in and for Street Improvement District Number Five Hundred Thirteen (513), Phase A & B, such improvement to consist of asphalt resurfacing (patch, mill, overlay, chip seal, curb repair), reconstruction, and related work, for the following areas:

PHASE A

Unit No. 1

Stagecoach Circle - East Valley Drive to cul-de-sac
East Valley Drive - Stagecoach Circle to Ash Coulee Drive
Overland Road - East Valley Drive (N) to East Valley Drive (S)
Mustang Drive - Ash Coulee Drive to 570' south

Unit No. 2

Mesquite Loop - Valley Drive (W) to Valley Drive (E)
Domino Drive - Montego Drive to cul-de-sac (N)
Domino Drive - Montego Drive to cul-de-sac (S)
Carriage Drive - Domino Drive to cul-de-sac
Santa Gertrudis Drive - Tyler Parkway to cul-de-sac
Santa Gertrudis Loop - Tyler Parkway to cul-de-sac
Montego Drive - Domino Drive to Tyler Parkway
Pinto Place - Tyler Parkway to cul-de-sac
Golf Drive - Tyler Parkway to 400' west
Tyler Parkway - Valley Drive to Pinto Place
Country Lane - Tyler Parkway to Clydesdale Drive
Country West Road - Domino Drive to Clydesdale Drive
Gentry Circle - Country West Road to cul-de-sac
Morgan Circle - Stetson Drive to cul-de-sac
Stetson Drive - Country West Road to Tyler Parkway
Canyon Drive - Morgan Circle to Cody Drive
Canyon Circle - Cody Drive to cul-de-sac
Cody Drive - Country West Road to Remuda Drive
Remuda Drive - Cody Drive (N) to Cody Drive (S)

Territory Drive - Tyler Parkway to Cody Drive
Homestead Drive - Country West Road to Territory Drive
Greenwood Drive - Canyon Drive to Territory Drive
Cimarron Drive - Homestead Drive to Greenwood Drive

Unit No. 3

Lambton Avenue - Lockport Street to 605' west
Dominion Street - 320' north to 125' south of Alberta Drive
Dominion Street - Calgary Avenue to Mouton Avenue
Brome Avenue - Dominion Street to 810' west

PHASE B

Unit No. 4

13th Street – Divide Avenue to Boulevard Avenue
14th Street - Divide Avenue to Boulevard Avenue
15th Street - Divide Avenue to Boulevard Avenue
17th Street - Divide Avenue to Boulevard Avenue
18th Street - Divide Avenue to Boulevard Avenue
19th street - Divide Avenue to Boulevard Avenue
Divide Avenue – 140' West of 13th Street to 19th Street
Harmon Avenue – 13th Street to 19th Street
Laforest Avenue – 13th Street to 19th Street
Braman Avenue – 140' West of 13th Street to 19th Street
Hanaford Avenue – 13th Street to 19th Street
Porter Avenue – 140' West of 13th Street to 19th Street
Boulevard Avenue – 190' West of 11th Street to Hanaford Avenue

Unit No. 5

Portland Drive – Denver Avenue to Laramie Drive
Portland Drive – Denver Avenue to Reno Avenue
Boise Avenue – Portland Drive to Laramie Drive
Denver Ave – Washington Street to 3rd Street
Pocatello Drive – Denver Avenue to Reno Avenue
Billings Drive – Denver Avenue to Reno Avenue
Laramie Drive – Portland Drive to Reno Avenue
Reno Avenue – Washington to 3rd Street
3rd Street – Bismarck Expressway to Wachter Avenue
Omaha Drive – 3rd Street to Columbia Drive
Atlanta Drive – 3rd Street to Richmond Drive
Columbia Drive – Atlanta Drive to Richmond Drive
Richmond Drive – Atlanta Drive to 3rd Street
12th Street – Basin Avenue to 190' North of Park Avenue
Basin Avenue – American Avenue to Airport Road

All in accordance with and as described in the resolution creating said district, adopted March 14, 2017, the preliminary report of the engineer, approved by this Board on March 14, 2017, and the plans and specifications for the improvement prepared by the engineer and approved by this Board on March 28, 2017, which are on file in the office of the City Engineer, and subject to inspection by anyone interested therein.

2. The cost of the improvement will be paid for by special assessments to be levied against properties benefited by the improvement in amounts proportionate to and not exceeding such benefits. The estimated cost by the Engineer for said improvements is in the amount of \$12.14 million.
3. The Special Assessment Analyst is hereby authorized and directed to cause this resolution, together with a map of the city showing the improvement district, to be published once each week for two consecutive weeks in the official newspaper of the City. The owners of property within said improvement district and liable to be specially assessed for said improvement shall be afforded the opportunity to file written protests with the Special Assessment Analyst at any time within thirty (30) days after the first publication of this resolution. The Board of City Commissioners shall, at its next meeting after the expiration of said period, to-wit, May 9, 2017, at 5:15 p.m. meet at the City Hall for the purpose of hearing and determining the sufficiency of any protests so filed and to take such other and further action with reference to said improvement as may then be deemed necessary and expedient.

Commissioner Guy seconded the foregoing resolution. Upon roll call, the Commissioners voted as follows. Ayes: Commissioners Askvig, Guy, Marquardt, Oban and President Seminary. Nays: None, the motion carried and said resolution was declared duly passed and adopted.

Commissioner Askvig introduced the following resolution and moved its adoption:

RESOLUTION DIRECTING ADVERTISEMENT FOR BIDS FOR
STREET IMPROVEMENT DISTRICT NUMBER
FIVE HUNDRED THIRTEEN (513), PHASE A

BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, that proposals for the work of making the improvement in Street Improvement District Number Five Hundred Thirteen (513), Phase A, according to plans and specifications heretofore approved by this Board, shall be received on May 1, 2017, at the hour of 3:00 o'clock p.m. Advertisement for such proposals shall be published as required by Section 40-22-19, North Dakota Century Code.

Commissioner Guy seconded the motion on the foregoing resolution. Upon roll call, the Commissioners voted as follows. Ayes: Commissioners Askvig, Guy, Marquardt, Oban and President Seminary. Nays: None, the motion carried and said resolution was declared duly passed and adopted.

Commissioner Askvig introduced the following resolution and moved its adoption:

RESOLUTION DIRECTING ADVERTISEMENT FOR BIDS FOR
STREET IMPROVEMENT DISTRICT NUMBER
FIVE HUNDRED THIRTEEN (513), PHASE B

BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, that proposals for the work of making the improvement in Street Improvement District Number Five Hundred Thirteen (513), Phase B, according to plans and specifications heretofore approved by this Board, shall be received on May 2, 2017, at the hour of 3:00 o'clock p.m. Advertisement for such proposals shall be published as required by Section 40-22-19, North Dakota Century Code.

Commissioner Guy seconded the motion on the foregoing resolution. Upon roll call, the Commissioners voted as follows. Ayes: Commissioners Askvig, Guy, Marquardt, Oban and President Seminary. Nays: None, the motion carried and said resolution was declared duly passed and adopted.

G. The Board of City Commissioners considered the request for approval from the Engineering Department for accepting the clarification of the district boundary for Street Improvement District 17-515 Unit 4.

H. The Board of City Commissioners considered the request for approval from the Engineering Department for the following relating to Sewer Improvement District 16-571:

- Resolution Approving Plans and Specifications
- Resolution Directing Advertisement of Bids and Receiving Bids

Commissioner Askvig introduced the following resolution and moved its adoption:

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR
SEWER IMPROVEMENT DISTRICT NUMBER FIVE HUNDRED SEVENTY-ONE (571)

BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, that the plans and specifications for the work proposed to be done in and for Sewer Improvement District Number Five Hundred Seventy-One (571), as prepared by the engineer and presented to the Board of City Commissioners on this date, are hereby approved and ordered to be placed on file in the office of the City Administration and in the office of the City Engineer, where they shall remain on file and subject to inspection by anyone interested therein.

Commissioner Guy seconded the motion on the foregoing resolution. Upon roll call, the Commissioners voted as follows. Ayes: Commissioners Askvig, Guy, Marquardt, Oban and President Seminary. Nays: None, the motion carried and said resolution was declared duly passed and adopted.

Commissioner Askvig introduced the following resolution and moved its adoption:

**RESOLUTION DIRECTING ADVERTISEMENT FOR BIDS FOR
SEWER IMPROVEMENT DISTRICT NUMBER FIVE HUNDRED SEVENTY-ONE (571)**

BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, that proposals for the work of making the improvement in Sewer Improvement District Number Five Hundred Seventy-One (571), according to plans and specifications heretofore approved by this Board, shall be received on May 2, 2017, at the hour of 3:00 o'clock p.m. Advertisement for such proposals shall be published as required by Section 40-22-19, North Dakota Century Code.

Commissioner Guy seconded the motion on the foregoing resolution. Upon roll call, the Commissioners voted as follows. Ayes: Commissioners Askvig, Guy, Marquardt, Oban and President Seminary. Nays: None, the motion carried and said resolution was declared duly passed and adopted.

I. The Board of City Commissioners considered the request for approval from Public Works Service Operations Department for permission to award third-year bid for lawn care services for the 2017 season.

Bids were opened on March 17, 2015. The bids were for three years starting in 2015. This is a continuation of their existing bids. The following is a summary listing of the successful low bidders for their respective work.

APPLICATION	LOCATION	CONTRACTOR	LOW BID
Lawn Mowing			
	Group 1	Greens Keeper	\$325/ mowing
	Group 2	Greens Keeper	\$375/ mowing
	Group 3	Peterson Lawn Service	\$2,053/ mowing
	Group 4	Peterson Lawn Service	\$2,064/ mowing
	Group 5	Hoerner Lawn Service	\$95/ mowing
	Group 6	Ground Control	\$825/ mowing
	Group 7	Greens Keeper	\$370/ mowing
	Group 8	Ground Control	\$1,373/ mowing

APPLICATION	LOCATION	CONTRACTOR	LOW BID
Power Raking/ Initial Mow/ Cleanup			
	Group 1	Hoerner Service Lawn	\$972/ Power Rake & Cleanup
	Group 2	Hoerner Service Lawn	\$1,323/ Power Rake & Cleanup
	Group 5	Peterson Service Lawn	\$351/ Power Rake & Cleanup
Weed Control			
	Group 1	Lawn Tech Services	\$672.68/ Application
	Group 2	Nitro Green	\$576/ Application
	Group 3	Nitro Green	\$2,975/ Application
	Group 4	Lawn Tech Services	\$4,411.19/ Application
	Group 6	Lawn Tech Services	\$1,038.31/ Application
	Group 7	Langs Lawn Care	\$1,425/ Application
	Group 8	Lawn Tech Services	\$1,837.56/ Application
Fertilizing			
	Group 1	Langs Lawn Care	\$85/ Application
	Group 7	Langs Lawn Care	\$425/ Application
	Group 8	Lawn Tech Services	\$1,161.62/ Application

City staff recommends awarding the third year of the contract for lawn care services on City-owned property.

J. The Board of City Commissioners considered the request for approval from the Public Works Utility Operations Department for the following items:

- Approval of a change order for Edling Electric for the Wastewater Treatment Plant Trickling Filters Project.

This change order is to add power to the OH coiling doors and a time extension to match the general contractor's time extension.

- Approval of a Professional Services Contract Change Order 2 with AE2S for the West End Reservoir Expansion Project.

The original contract was dated August 14, 2012. This change order amends the existing engineering services agreement in order to deduct for unused services (deduct of \$60,000) and add Northwest Reservoir and 16th Street Reservoir electrical improvements.

- Approval of a Professional Services Change Order 2 with Apex Engineering Group for Wachter Lift Station Upgrade.

The original contract was dated April 10, 2012. Several changes were included in this contract. This last phase is to evaluate impact on downstream lift stations.

Commissioner Askvig made a motion to pull the second bullet under Item #2D and approved the remaining items on the consent agenda. Commissioner Marquardt seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Askvig, Marquardt, Guy, Oban, and President Seminary. Nays: None, the motion carried.

Item #2D, second bullet – The Board of City Commissioners considered the denial of the resolution to release the West 40 feet of the East 240 feet of the 330.29 foot non-access line along 55th Avenue SE adjacent to Lot 3, Block 1, Wolf Subdivision.

Wolf Subdivision was platted in 2006. Because driveways of the subdivision fronted major roads, the developer was required to use shared access driveways to limit the number of access points to the public roadways. The County Engineer and City Engineer continue to support the original intention of limiting access, and therefore, they oppose the request to release a non-access line and allow an additional driveway access point. A copy of the staff report was included in the materials for this agenda item.

Based on the findings contained in the staff report, staff recommends denial of the attached resolution to release a non-access line described as the West 40 feet of the East 240 feet of the 330.29 foot non-access line along 55th Avenue SE adjacent to Lot 3, Block 1, Wolf Subdivision.

Commissioner Askvig said this is an unusual instance because city staff recommends that this request be denied and the applicant requested it any way so he's pulling it to give the applicant a chance to discuss it since this item should've been placed on the regular agenda so that it can be commented on because this request has not been heard before any other board.

Ken Nysether with SEH, Inc., appeared on behalf of the property owner, Donnie Schmidt. He presented information to the Board based on their request. He showed the Board a map of where they would like the non-access line released. Mr. Nysether said the request is being made because at the time this subdivision was platted in 2006 by the developer, it was unknown the beltway being established a half-mile north of this.

Commissioner Askvig made a motion to uphold the denial by City staff. Commissioner Oban seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Askvig, Marquardt, Guy, Oban, and President Seminary. Nays: None, the motion carried.

REGULAR AGENDA

3. Public comment (restricted to items on the Regular Agenda, excluding public hearing items).

No members of the public made any comments before the Board of City Commissioners for this item.

4. The Board of City Commissioners considered the request from the Administration Department to receive a report and recommendation from the Infrastructure Task Force.

Commissioner Marquardt, Co-Chair of the Infrastructure Task Force, and Brian Ritter, Infrastructure Task Force member, presented information to the Board. Mr. Ritter said their first finding is that they must address the first one percent of sales tax revenue by somehow capping the 25 mil property tax reduction that was voted on back in 1986 and then again in 1992. The second part of that is, assuming they can cap it, would've been to redirect the funds currently being directed toward special assessment subsidies toward major arterial infrastructure/road projects. There was discussion between the Board and Mr. Ritter.

The Board received the report and recommendation for the Infrastructure Task Force to continue meeting and come back at a future meeting with a recommendation on a sustainable long-term financial plan for road projects to meet the needs of the community.

5. The President of the Board of City Commissioners announced the hour had arrived for the PUBLIC HEARING on the request from Caffè Aroma, LLC, to locate a new Class I-2 liquor license at 324 E Broadway Avenue (dba Caffè Aroma).

No members of the public appeared to provide comment.

Commissioner Askvig made a motion to approve the liquor license request. Commissioner Marquardt seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Askvig, Marquardt, Guy, Oban, and President Seminary. Nays: None, the motion carried.

6. The President of the Board of City Commissioners announced the hour had arrived for the PUBLIC HEARING on the request from Marty Lee to locate a new Class I-2 liquor license at 208 E Main Avenue (dba NoodleZip).

No members of the public appeared to provide comment.

Commissioner Askvig made a motion to approve the liquor license request. Commissioner Marquardt seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Askvig, Marquardt, Guy, Oban, and President Seminary. Nays: None, the motion carried.

7. The President of the Board of City Commissioners announced the hour had arrived for the PUBLIC HEARING and second reading of Ordinance 6249 regarding the amendment of ordinance sections relating to panhandling and pedestrians on roadways.

ORDINANCE NO. 6249

AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 6-05-13 AND 12-16-06 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO PANHANDLING AND PEDESTRIANS ON ROADWAYS.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA:

No members of the public appeared to provide comment.

Commissioner Askvig made a motion to adopt Ordinance 6249. Commissioner Guy seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Askvig, Marquardt, Guy, Oban, and President Seminary. Nays: None, the motion carried.

8. The President of the Board of City Commissioners announced the hour had arrived for the PUBLIC HEARING on request by Matt Geiger, 161 Commercial, LLC, for approval of Ordinance 6251, a zoning change from the A-Agricultural zoning district to the Conditional MA-Industrial zoning district for Auditor's Lot 7 & Auditor's Lot 8B of Auditor's Lot 8 of the SE1/4 of Section 1, Lincoln Township.

ORDINANCE NO. 6251

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-03-02 OF THE 1986 CODE OF ORDINANCES, OF THE CITY OF BISMARCK, NORTH DAKOTA, AS AMENDED, RELATING TO THE BOUNDARIES OF ZONING DISTRICTS.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA:

Kim Lee, Planning Manager, appeared before the Board and presented information from the staff report contained in the material for this agenda item. Ms. Lee said the Planning and Zoning Commission unanimously recommended approval of the zoning change as requested.

No members of the public appeared to provide comment.

Commissioner Askvig made a motion to adopt Ordinance 6251. Commissioner Guy seconded the motion. Upon roll call, the commissioners voted as follows: Ayes:

Commissioners Askvig, Marquardt, Guy, Oban, and President Seminary. Nays: None, the motion carried.

9. The Board of City Commissioners considered the request for approval from the Community Development Department to change the name of a segment of East Divide Avenue, between Bismarck Expressway and 52nd Street NE, to Miriam Avenue, which would affect the addresses of ten property owners.

Kim Lee, Planning Manager, appeared before the Board and presented information from the staff report contained in the material for this agenda item.

Commissioner Guy made a motion to approve the request. Commissioner Askvig seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Askvig, Marquardt, Guy, Oban, and President Seminary. Nays: None, the motion carried.

10. The Board of City Commissioners considered the request for approval from the Engineering Department for the following relating to Construction of Sidewalk, Curb and Gutter, and Driveways - 2017 (CC17 - A & B):

- Resolution Receiving Bids.
- Resolution Awarding Contracts for Parts A-1, A-2, B-1 and B-2.

The President of the Board of City Commissioners announced the hour had arrived for the opening of bids for the construction of Concrete District CC-2017. The Assistant City Administrator presented an affidavit showing publication in the official newspaper of advertisement for bids, the affidavit was examined, found satisfactory and was directed to be placed on file in the office of the City Administration.

The City Engineer then reported that two sealed bids for the construction of said improvement had been filed in his office prior to the time of this meeting, pursuant to said advertisement, which bids were publicly read and considered, and upon motion duly made, seconded and carried, said bids were directed to be entered upon the minutes of this meeting. The names of each of the bidders and the estimated cost under terms of each bid based on prices proposed by the bidder and quantities estimated by the City Engineer are as follows:

BIDDER	BID AMOUNT Part A1 – New	BID AMOUNT Part A2 – Sidewalk Gaps	BID AMOUNT Part B1 – Hazardous	BID AMOUNT Part B2 – Misc. Repairs
Axis Concrete	Non-responsive, Not opened (expired contractor's license)			
Knife River	\$1,208,897.00	\$338,391.80	\$226,788.50	\$107,421.60
JMAC	\$1,297,222.50	\$289,363.00	\$213,968.75	\$122,085.50
Engineer's Estimate	\$1,313,889.00	\$269,422.50	\$220,101.75	\$142,838.50

Commissioner Askvig introduced the following resolution and moved its adoption:

RESOLUTION RECEIVING BIDS
AND ORDERING PREPARATION OF ENGINEER'S STATEMENT
CONCRETE DISTRICT CC-2017

BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, as follows:

1. The Assistant City Administrator is hereby directed to enter upon the minutes of this meeting all bids received for the work and material required for the work to be done in Concrete District CC-2017.
2. The engineer is hereby directed to make a careful and detailed statement of the estimated costs of said bids and upon receipt of the same the Board of City Commissioners shall take such other and further action with reference to said bids as shall be deemed necessary and expedient.

Commissioner Marquardt seconded that motion. Upon roll call, the Commissioners voted as follows. Ayes: Commissioners Askvig, Marquardt, Guy, Oban, and President Seminary. Nays: None, the motion carried.

Commissioner Askvig introduced the following resolution and moved its adoption:

RESOLUTION AWARDING CONTRACT FOR THE CONSTRUCTION OF
CONCRETE DISTRICT CC-2017
PARTS A1 – NEW AND B2 – MISCELLANEOUS REPAIRS

BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, as follows:

1. Notice of advertisement for bids for the construction of Concrete District CC-2017 having been duly published, and all bids received pursuant to said notice having been considered, it is hereby found and determined that the lowest responsible bidder whose bid complies with law and the terms of said advertisement is Knife River Corporation, of Bismarck, North Dakota, and the estimated bidder's proposal for the construction of the

work is \$1,208,897.00 for Part A1 – New and \$107,421.60 for Part B2 – Miscellaneous Repairs.

2. Upon the furnishing by the successful bidder of a contractor's bond in the sum not less than the amount of the contract as above estimated, with a surety company authorized to do business in the State of North Dakota, conditioned as required by the provisions of Section 40-22-31 of the North Dakota Century Code, which bond shall be furnished within ten days from the date hereof, a contract for the performance of said work pursuant to the plans and specifications on file in the office of City Administration shall be made and executed by the President and countersigned by the Assistant City Administrator.

3. The Special Assessment Analyst is hereby authorized and directed to retain the bidder's bond furnished by the successful bidder pending the approval of the contractor's bond and the execution of the construction contract, and to return the bonds of the other bidders forthwith.

Commissioner Marquardt seconded that motion on the foregoing resolution. Upon roll call, the Commissioners voted as follows. Ayes: Commissioners Askvig, Marquardt, Guy, Oban, and President Seminary. Nays: None, the motion carried and said resolution was declared duly passed and adopted.

Commissioner Askvig introduced the following resolution and moved its adoption:

RESOLUTION AWARING CONTRACT FOR THE CONSTRUCTION OF
CONCRETE DISTRICT CC-2017
PARTS A2 – SIDEWALK GAPS AND B1 – HAZARDOUS REPAIRS

BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, as follows:

1. Notice of advertisement for bids for the construction of Concrete District CC-2017 having been duly published, and all bids received pursuant to said notice having been considered, it is hereby found and determined that the lowest responsible bidder whose bid complies with law and the terms of said advertisement is JMAC Resources, of Bismarck, North Dakota, and the estimated bidder's proposal for the construction of the work is \$289,363 for Part A2 – Sidewalk Gaps and \$213,968.75 for Part B1 – Hazardous Repairs.

2. Upon the furnishing by the successful bidder of a contractor's bond in the sum not less than the amount of the contract as above estimated, with a surety company authorized to do business in the State of North Dakota, conditioned as required by the provisions of Section 40-22-31 of the North Dakota Century Code, which bond shall be furnished within ten days from the date hereof, a contract for the performance of said work pursuant to the plans and specifications on file in the office of City Administration

shall be made and executed by the President and countersigned by the Assistant City Administrator.

3. The Special Assessment Analyst is hereby authorized and directed to retain the bidder's bond furnished by the successful bidder pending the approval of the contractor's bond and the execution of the construction contract, and to return the bonds of the other bidders forthwith.

Commissioner Marquardt seconded that motion on the foregoing resolution. Upon roll call, the Commissioners voted as follows. Ayes: Commissioners Askvig, Marquardt, Guy, Oban, and President Seminary. Naves: None, the motion carried and said resolution was declared duly passed and adopted.

Commissioner Askvig introduced foregoing resolutions to award Part A-1 to Knife River for \$1,208,897, Part A-2 to JMAC for \$289,363, Part B-1 to JMAC for \$213,968.75 and Part B-2 to Knife River for \$107,421.60 and moved their adoption. Commissioner Marquardt seconded motion on foregoing resolutions. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Askvig, Marquardt, Guy, Oban, and President Seminary. Naves: None, the motion carried.

11. The Board of City Commissioners considered the request for approval from the Engineering Department in concurrence with NDDOT awarding low bid for NDDOT Retroreflectivity Signing Improvements Project (SHE-9-999(367), HC17-111).

Gabe Schell, City Engineer, appeared before the Board and presented the background information for this agenda item, found in the materials for this agenda item.

Commissioner Askvig made a motion to concur with NDDOT awarding low bid to Newman Signs of Jamestown for \$239,673.21. Commissioner Marquardt seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Askvig, Marquardt, Guy, Oban, and President Seminary. Naves: None, the motion carried.

12. The Board of City Commissioners considered the request for approval from the Engineering Department to receive bids and award contract on Street Utility Project 17-44 (street light conductor replacements).

Linda Oster, Design and Project Engineer, appeared before the Board to present the bids received.

BIDDER	BID AMOUNT*
Fetzer Electric, Inc.	\$181,361.90** \$181,391.90
Strata Corporation	\$255,777.00
Edling Electric	\$188,665.30
*Engineer's Estimate = \$281,424.50	
**Corrected upon verification of bid	

Ms. Oster explained that based on the bids received and the funds available, staff recommends proceedings with Units 1 through 5 and Units 8 and 9 for \$157,799.40.

Commissioner Askvig made a motion to proceed with Units 1 through 5 and Units 8 and 9 for \$157,799.40. Commissioner Marquardt seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Askvig, Marquardt, Guy, Oban, and President Seminary. Nays: None, the motion carried.

13. The Board of City Commissioners considered other business.

The Board took no action.

Having completed the items on the agenda, President Seminary asked if there was any further business for this meeting. There being none, the meeting was declared adjourned at 6:27 p.m.